

## **REMARKS**

### **Response to Notification of Defective Response**

The Notification of Defective Response mailed on August 8, 2007, alleges that the response to Missing Parts filed on April 12, 2007, was defective for not providing a statement confirming that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, includes no new matter, as required by 37 C.F.R § 1.821(e)-(g), 37 C.F.R § 1.825(b) or 37 C.F.R § 1.825(d).

Applicants respectfully submit that the Legal Framework for EFS-Web (<http://www.uspto.gov/ebc/portal/efs/legal.htm>) under section XIII states,

"If a sequence listing text file submitted via EFS-Web complies with the requirements of 37 CFR 1.824, the filer need not submit (i) any additional copies of the sequence listing pursuant to 37 CFR 1.821(e) nor (ii) the statement described in 37 CFR 1.821(f). Checker software that may be used to check a sequence listing for compliance with the requirements of 37 CFR 1.824 is available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/checker/>.

If a filer submits a sequence listing (under 37 CFR 1.821(c)) as a text file via EFS-Web in response to a requirement under 37 CFR 1.821(g) or (h), the sequence listing text file must be accompanied by a statement that the submission does not include any new matter which goes beyond the disclosure of the application as filed. However, if the sequence listing text file complies with the requirements of 37 CFR 1.824, the filer need not submit (i) any additional copies of the sequence listing pursuant to 37 CFR 1.821(e) nor (ii) the statement described in 37 CFR 1.821(f)."

In accordance with the above guidelines, Applicants are neither required to submit additional copies of sequence listing (pursuant to 37 CFR 1.821(e)) nor a statement pursuant to 37 CFR 1.821(f) as suggested in the Notification of Defective Response. Accordingly, the response submitted on April 12, 2007, was complete as it included the only required statement that the sequence listing contains no new matter (pursuant to 37 CFR 1.821(g)). Therefore, Applicants believe that the response to Missing Parts filed on April 12, 2007, was not defective.

However, in order to expedite prosecution, Applicants submit the statement under 37 CFR 1.821(g) with this response.

### **Sequence Listing Statement**

The specification is amended to incorporate the sequence listing (filename "03-770-C SEQ listing.txt", 20,000 bytes in size, created on April 11, 2007) submitted electronically using EFS-Web 1.1 on April 12, 2007

The sequence listing was submitted in accordance with 37 C.F.R § 1.821(a) – (d) and 37 C.F.R § 1.822-1.825, and was generated from originally filed specification and figures. The undersigned representative hereby declares that in accordance with 37 C.F.R § 1.821(g) the content of the sequence listing does not constitute new matter.

### **Conclusion**

If the Examiner believes it to be beneficial, he is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Respectfully submitted,  
**McDonnell Boehnen Hulbert & Berghoff**

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